

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BYTEMARK, INC.,

Plaintiff,

v.

XEROX CORP., ACS TRANSPORT  
SOLUTIONS, INC., XEROX  
TRANSPORT SOLUTIONS, INC.,  
CONDUENT INC., AND  
NEW JERSEY TRANSIT CORP.,

Defendant.

Civil Action No. 1:17-cv-01803-PGG  
Hon. Paul G. Gardephe

**DEFENDANTS' NOTICE OF FINAL WRITTEN DECISION  
FOR U.S. PATENT NO. 10,346,764**

Defendants Xerox Corp., ACS Transport Solutions, Inc., Xerox Transport Solutions Inc., Conduent Inc., and New Jersey Transit Corp. (collectively "Defendants") hereby notify the Court that a Final Written Decision has been issued in Defendants' *inter partes* review of Bytemark's U.S. Patent No. 10,346,764 (the "'764 Patent").

On August 16, 2023 the United States Patent and Trademark Office issued a final written decision invalidating the majority of claims in the '764 Patent. In particular, the Board found that claims 1, 2, 9, 10, 15-21, 23, and 26-28 are unpatentable over the prior art. *See* Exhibit A, Decision at 3. The Board also explained that "Petitioner has met it[s] burden to establish that claim 22 is not patentable" and that "claim 24 is not patentable" as well. *Id.* at pp. 67, 68.

This decision is relevant to Plaintiff's claims of infringement related to the '764 Patent.

Dated: August 18, 2023

Respectfully submitted,

/s/ Ashley N. Moore

Ashley N. Moore  
amoore@mrlp.com

**Michelman & Robinson, LLP**  
300 Crescent Court, Suite 1700  
Dallas, Texas 75201  
T: 214-273-4050  
F: 214-853-4113

/s/ Jonathan N. Powers

David Sochia  
dsochia@mckoolsmith.com

Jonathan N. Powers  
jpowers@mckoolsmith.com

Eliza Beeney  
ebeeney@mckoolsmith.com

**McKool Smith, P.C.**  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
T: 214-978-4000  
F: 214-978-9444

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 18, 2023, Defendants' Notice of Final Written Decision for U.S. Patent No. 10,346,764 and accompanied exhibit was served on all counsel of record via ECF.

/s/ Ashley N. Moore  
Ashley N. Moore